



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5

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PUBLIC SAFETY & HOMELAND SECURITY BUREAU ANNOUNCES LIMITED WAIVER OF SECTIONS 4.9 AND 4.11 OF THE COMMISSION'S RULES DURING ACTIVATIONS OF THE DISASTER INFORMATION REPORTING SYSTEM

Washington, DC – Pursuant to its delegated authority and on its own motion,¹ the Federal Communications Commission's (Commission) Public Safety & Homeland Security Bureau (PSHSB) will waive the network outage reporting obligations of Sections 4.9 and 4.11 of the Commission's rules² on a limited basis during activations of the Disaster Information Reporting System (DIRS). Specifically, communications providers subject to Part 4 reporting requirements will not be required to provide such reports when: (1) the outage(s) occurs in the DIRS-defined geographic coverage area; and (2) the communications provider submits new or updated DIRS reports at least every 24 hours for the defined geographic area during the period of DIRS activation. DIRS participants must otherwise continue to provide network outage reports in compliance with Sections 4.9 and 4.11 for all outages outside of the DIRS-defined geographic area.

The Commission's Part 4 network outage reporting rules require certain types of communications providers to submit reports about disruptions to their communications networks that meet specific thresholds under the rules.³ DIRS is a voluntary, web-based system that was developed by the Commission to enable daily reporting of communications infrastructure status in areas affected by major disasters (*e.g.*, hurricanes).⁴ When DIRS is activated, communications providers, including wireless, wireline, broadcast, and cable providers, can use it to report communications infrastructure status and situational awareness information in the DIRS-defined

¹ See 47 C.F.R. §§ 0.191(g), 0.392(i); *see also* Amendment of Part 0 of the Commission's Rules to Delegate Administration of Part 4 of the Commission's Rule to the Public Safety and Homeland Security Bureau, *Order*, 23 FCC Rcd 1611 (2008).

² 47 C.F.R. §§ 4.9, 4.11.

³ See 47 CFR Part 4. The Commission requires providers of wireline, wireless, cable circuit-switched telephony, satellite, paging and Signaling System 7 communications services to submit outage reports regarding disruptions to communication.

⁴ The FCC's Public Safety & Homeland Security Bureau Launches Disaster Information Reporting System (DIRS), *Public Notice*, DA 07-3871, 22 FCC Rcd 16757 (PSHSB 2007).

geographic area during and after the event. Some communications providers that choose to submit DIRS information may suffer communications disruptions in the DIRS-defined geographic area that would also trigger reporting obligations under the Commission's Part 4 rules.⁵ In such circumstances, since Part 4 information is similar in many ways to the information that we collect in DIRS, we do not believe such communications providers should be required to provide Part 4 information, and that it is sufficient for them to submit reports in DIRS that provide the status of their communications infrastructure in the area defined by the DIRS activation.

Section 1.3 of our rules authorizes the Commission to waive a Commission rule for good cause shown.⁶ If the two waiver conditions described above are met (*i.e.* the outage occurs in the DIRS-defined geographic area and the communications provider suffering the outage submits new or updated DIRS reports at least every 24 hours), the Commission will be apprised of the status of that communications infrastructure via DIRS reports and Part 4 outage reports for such communications are not necessary. Further, decreasing the reporting obligations of communications providers suffering outages during a disaster will allow those providers to concentrate their efforts on restoring and maintaining their communications facilities for public use. Accordingly, good cause exists for waiving the reporting obligations of sections 4.9 and 4.11 in these circumstances and such waivers are in the public interest.

This limited waiver will remain in effect for any future DIRS activation until such time as PSHSB notifies the DIRS participants that DIRS has been de-activated for that event.⁷ The waiver will, however, expire prior to DIRS de-activation for a communications provider that has not filed a new or updated DIRS report for more than 24 hours. The requirements in Sections 4.9 and 4.11 of the Commission's rules remain in force for all communications providers that do not file reports in DIRS for outages in the defined area and, regardless of participation in the DIRS activation, for all outages outside of the DIRS-defined geographic area.

For further information, please contact Jeffery Goldthorp of the PSHSB's Communications Systems Analysis Division at (202) 418-1096 or Jeffery.Goldthorp@fcc.gov.

⁵ See 47 CFR §§ 4.1, *et seq.*

⁶ 47 C.F.R. § 1.3. This rule provides that “[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.” *Id.*

⁷ PSHSB staff typically sends an email to the DIRS participants announcing the de-activation of DIRS for that event. Subsequently, PSHSB issues a public notice announcing the de-activation of DIRS.